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August 14, 2023

**VIA ECF – LETTER MOTION**

Hon. Arun Subramanian  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 15A  
New York, New York 10007

**Re: *Tuteur, et al. v. Metropolitan Opera Association, Inc.* (1:23-cv-03997-AS)**

**Request for Extension to Respond to Plaintiffs' Consolidated Amended Class Action Complaint and Associated Adjournment of Initial Pretrial Conference**

Dear Judge Subramanian:

My office represents Defendant Metropolitan Opera Association, Inc. in the above-referenced action. I write to request an extension of time to October 5, 2023 for Defendant to answer or otherwise respond to Plaintiffs' Consolidated Amended Class Action Complaint. In conjunction with this requested extension, the parties request an adjournment of the Initial Pretrial Conference which is currently scheduled for September 14, 2023 at 9:00am. The reason for the requested deadline extension and conference adjournment is that the parties have agreed in principle to conduct a mediation.

**Original Deadline to Respond to Plaintiffs' Consolidated Amended Class Action Complaint:** September 5, 2023

**Previous Requests:** No previous requests for an extension of time have been made regarding the Consolidated Amended Class Action Complaint.\*

**Reason for Request:** The parties have agreed to mediate the instant action and presently expect mediation to occur prior to the end of this calendar year.

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\* On June 29, 2023, Judge Failla granted Defendant's request for extensions to September 5, 2023 for Defendant to respond to the individual Complaints filed by Plaintiff Tuteur (1:23-cv-03997) and Plaintiff Viti (1:23-cv-05343). That request, also made on consent, was submitted in anticipation of the filing of Plaintiffs' Consolidated Amended Class Action Complaint. The original due dates as to the individual complaints were June 30, 2023 for *Viti* and July 5, 2023 for *Tuteur*.

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**Adversary's Consent:** I have conferred with counsel for Plaintiffs and state that this request is submitted on consent.

**Next Scheduled Appearance:** The Initial Pretrial Conference is presently scheduled for September 14, 2023 at 9:00am.

For the reasons set forth above, (1) Defendant requests an extension to **October 5, 2023** to answer or otherwise respond to the Consolidated Amended Class Action Complaint, and (2) the parties jointly request an adjournment of the Initial Conference to a date following October 5, 2023. Following selection of a mediator and scheduling of a firm date, the parties anticipate requesting that the Court grant a stay for the purpose of judicial economy.

The Court's consideration of this request is much appreciated.

Very truly yours,



Daniel M. Braude of  
MULLEN COUGHLIN LLC

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The request is GRANTED. The September 14 conference is ADJOURNED until October 16, 2023, at 11:00 a.m. The Clerk of Court is directed to terminate ECF No. 20.

SO ORDERED



Arun Subramanian, U.S.D.J.  
Date: August 15, 2023